

a mother telling the truth about her boy. Will you not let me tell it?"

Once more the justice carefully went over the field of the limitations that had been set by the giving of evidence. Mrs. Hains resumed. She began to tell of how her son discovered a print of Burnes-Jones's "Vampire" in the home of his father and how he had been told to recite the lines of Kipling's poem of the same title.

"Oh, the poor child," she faltered, "his heart was breaking."

"Mrs. Hains, you cannot say that here," was the quick interruption of the judge. "I must warn you again that—"

"Oh, but it's the truth! It's the truth!" Mrs. Hains sobbed and looked out of her eyes for five minutes she rocked in her chair, sobbing. Lawyers sat uncomfortably in their places, fumbling with papers. The judge turned his chair and looked out of the window. The stolid Swedish foreman of the jury suddenly found interest in a loose sole on his shoe.

After Mrs. Hains had recovered her composure she introduced a transcript. There was a dispute between Mr. McIntyre and Mr. De Witt. The Court intervened.

"I know we all have commiseration for this witness," said he. "I have indulged her to the fullest extent, but her distress and the condition of her mind will not justify her transgression of the reasonable rules of evidence. We cannot let down the bars and ignore the first principles of judicial procedure."

The elderly lady in the chair listened to the analysis of her case with a look of bewilderment. Her eyes went to the tumbled head of her son, who through the sound of her sobbing had scanned the ceiling over the heads of the jurymen while his restless fingers twisted his hair on his head.

Then Mr. McIntyre resumed after Mr. De Witt had made a companionist offer that he would not object to the testimony of the witness provided that it would not be included in the formulation of a hypothetical question for medical experts. This offer the chief counsel for the defense refused.

Mrs. Hains labored under the burden of grief for several minutes more and then her cross-examination commenced.

Mrs. Hains, you have always been nervous and excitable, have you not?" was Mr. De Witt's first question. Again the witness broke down.

"That is all," said the District Attorney, and she left the stand sobbing, the question unanswered.

Before the mother of Capt. Hains took the stand two important witnesses for the defense had given testimony. Dr. Clarence Platt, attending physician at the Queens county jail, and Dr. J. H. Greenbaum, who had been in the room during the first months of his stay there, he was certain that he was suffering from manic-depressive insanity.

The physician said that on one occasion he asked the Captain how he had slept on the previous night. The prisoner had replied that Anna had kept him awake and that he had not been able to sleep.

When I told him that that was impossible and that Anna was dead," continued the doctor, "he jumped from his seat and he yelled 'You lie! He made a run for it, but he was restrained by attendants."

The Rev. Dr. Charles L. Pardee, an Episcopal clergyman of Naugatuck, Conn., who had witnessed the trial, testified that Dr. Platt's statement on the stand.

Before the close of yesterday's session Mr. McIntyre announced that this morning the defense would come in with a hypothetical question of about 10,000 words length which will be submitted to the jury. He will rest his defense before the end of the day.

Ann's Household Goods at Auction. A two days sale of furniture and other household effects belonging to the widow of William E. Ann was begun yesterday at the Knickerbocker Art Galleries, 7 East Twenty-eighth street. The lot included 400 articles from the house in Greenwich avenue where the Anns were living at the time of the shooting and from their former home in Flushing.

J. I. Mrs. Ann is now living with her parents. The highest bid at yesterday's session was \$45 for a brass bed.

TELL OF NIGHT-RIDER DEEDS. Witnesses in Court Describe Outrages by Tennessee Outlaws.

WASLEY, Tenn., May 4.—After two weeks had been consumed in the examination of 700 men before a jury was selected and motions to discharge three of the jurors had been made and denied, hearing of testimony in the trial of fifteen alleged night riders began today before Judge W. L. Cook, in the Circuit Court.

The specific charge upon which the defendants are arraigned is that of whipping Squire J. M. Reece, a prominent resident of the Eighth district, who for years has been a member of the County Court. The reason assigned by the band of twenty-five or thirty masked and armed men, who on the night of October 15 last administered twenty-five blows with a heavy switch, was that he "had been talking too much about the night riders."

The State charged that the general conspiracy was formed by the night riders, who organized in four districts to whip and otherwise intimidate various men, a number of whom were named. The witnesses were told that they must do what the night riders commanded.

Squire Reece told his story on the witness stand today. He said that he was a merchant, detained how the band called at his residence one night and informed him that he must see them only at places dictated by them and to such persons as they would name.

Bob Mayberry, son of Berry Mayberry, a negro, testified that twenty-five or more armed and masked men came to his house and ordered him to come out. Upon his refusing to do so they fired a number of shots into the building, one striking his sister in the shoulder, inflicting a slight wound. The elder Mayberry thereupon was seized and whipped. After this his four sons were also beaten, the night riders telling them that they needed the land on which they lived. The business of the night riders was to terrorize the negroes, leaving all their farm property.

Several witnesses testified that they had joined the night riders and that they received money for their services. The disguise consisted of a piece of dark cloth and a half belt in length and with holes in the ends. The night riders told them that they needed the land on which they lived. The business of the night riders was to terrorize the negroes, leaving all their farm property.

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## THE FIFTH AVENUE BRANCH

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MRS. EINSTEIN WILL WAIT.

Jewish Institutions 'Can't Talk Over the Situation.

A special meeting of the Council of Jewish (Communal) Institutions, of which Justice (Greenbaum) is president, has been called for Saturday evening, at which time the council will take up the question of the care of the children of widowed mothers.

Pending that meeting the United Hebrew Charities suspends the order of the board of directors regarding the commitment of orphan children and the committee of which Mrs. William Einstein is chairman suspends its action looking to the formation of a permanent organization.

Mrs. Einstein last night gave out the following statement:

The matter of the care of the homes of widowed mothers is now before the Council of Jewish (Communal) Institutions, of which Justice (Greenbaum) is president, has been called for Saturday evening, at which time the council will take up the question of the care of the children of widowed mothers.

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## DOLLIVER STIRS UP ALDRICH

FALSEHOOD CHARGED IN DEBATE ON WOOL AND COTTON.

The Iowa Makes Accusations Which Spur the Author of the Tariff Bill to Heated Replies—Root Adds a Few Facts to the Income Tax Talk.

WASHINGTON, May 4.—In a speech of nearly three hours in the Senate this afternoon Senator Dolliver fiercely attacked the wool and cotton schedules in the tariff bill. Two or three times in the course of exciting colloquies with Senator Aldrich the latter charged that Senator Dolliver's information was based on falsehood.

Senator Dolliver from Iowa had not concluded his speech at 5 o'clock, when Senator Tillman of South Carolina made the suggestion that an adjournment should be taken until to-morrow. Senator Dolliver welcomed the suggestion, but Senator Aldrich, while conceding the right of the Senator from Iowa to suspend his speech until to-morrow, made clear his intention of pressing the tariff bill to consideration and asked the Senate to continue in session. After some parleying the Senate went into executive session and shortly afterward adjourned.

Senator Dolliver will resume to-morrow at 11 o'clock. His speech was full of accusations and irony and at times was sensational. He charged that the woolen schedule was written originally by wool growers and manufacturers of woolen goods and that Congress had accepted the rates thus prepared without question and had adhered to them long after the reason for them had disappeared.

As to the cotton schedules, he charged that two cotton goods manufacturers, Mr. Lippitt of Rhode Island and Mr. McCall of Boston, after trying to dictate the schedule to Chairman Payne of the Ways and Means Committee had succeeded in inflicting their views on Chairman Aldrich of the Senate committee.

"Mr. Payne and he had been awindled when he first agreed to accept the suggestions of the two cotton goods manufacturers and he kicked the prepared schedule out of the bill," said Senator Dolliver, "but it was put back in by the Senate Committee."

Senator Aldrich replied that he would be able to show before the debate was over that there had been no material change in the cotton schedule from the Dingley law.

Repeatedly Senator Dolliver charged that customs officers in New York City had prepared the Senate bill, and he persisted in quoting Senator Aldrich as having said that these gentlemen furnished the information upon which the schedules were prepared. After frequently shaking his head in dissent Senator Aldrich pronounced Mr. Dolliver's statement to be an absolute falsehood.

At one time in the debate Senator Aldrich intimated that he could disclose some interesting information to the Senate as to the cause of Senator Dolliver's attack on the committee. Senator Dolliver had referred to himself as being "somewhat irritated." To this Senator Aldrich replied that he knew the cause of the irritation.

The Senator continued he was reproached by the fact that he did not expect to be provoked into disclosing it to the Senate then or later.

Senator Dolliver's face became white with suppressed anger, but he did not reply at the time. Later when Senator Aldrich sought to interrupt him he refused to allow him to do so and finally called repeatedly to the presiding officer, Mr. Frye, to protect him in the right to his time.

It was evident that Senator Dolliver had been coached for his speech. Mr. Aldrich openly charged that he had been, and Mr. Dolliver admitted it.

The Senator from Iowa said he had got much of his information from one of the most reputable business men in the country, one who stood at the very head of the importers and who had marched at the head of a great political demonstration in favor of the candidacy of William H. Taft in New York city just prior to the election. Senator Aldrich said he was willing to concede that Mr. Dolliver's informant might be reputable and eminently respectable, but that he was one of a class of importers who had been trying for years to break down the woolen and cotton schedules, and he charged that Mr. Dolliver's arguments and illustrations were timeworn and most of them had been borrowed from Democratic authorities. As a proof of that fact he asked permission to print in the record excerpts from speeches made by the late Senators J. K. Jones of Arkansas and George G. Vest of Missouri in parallel columns with Senator Dolliver's to show that the Iowa Senator had no claim to originality of argument.

Retorting in kind Senator Dolliver said he would print excerpts from Senator Aldrich's minority report on the Illinois-Gorman bill in which he attacked the schedules he was now trying to defend.

The Senator from Iowa introduced many illustrations to show, he said, how the woolen schedule had been stretched to cover many other articles of which wool was only a small part. He presented the case of a cotton blanket with a woolen fringe which had been made to pay full wool duty on its weight because its most expensive constituent was wool. Senator Aldrich insisted that no such manufactured product had ever been turned out.

"I could produce the blanket," said Senator Dolliver, "but I don't want to cover up this subject."

Another illustration brought forward by Mr. Dolliver was a case in which New York customs appraisers had held that furniture was subject to the duties on woolen goods because one of its component elements was wool. This aroused the curiosity of Senator Aldrich, who inquired of the Senator from Iowa where he obtained his information. Mr. Dolliver replied that he was reading from a brief filed by an eminent lawyer in the Federal Court for the Southern District of New York.

"What did the court decide?" asked Mr. Aldrich.

"The board of appraisers decided that the law required that the furniture should pay duty as woolen goods," replied Mr. Dolliver. "The appraisers held that the law required it."

"But what did the court decide?" persisted Mr. Aldrich.

"The court held that it was an absurdity," replied Mr. Dolliver.

Senator Aldrich nodded his assent triumphantly, whereupon Senator Dolliver concluded: "And both were correct."

The Senator from Iowa introduced an account of how he had been awindled by the wool duties. After asserting that the duty on rubber boots was prohibitive he told of the case of a Boston importer who, after consulting a customs lawyer, acquired a cargo of rubber scrap

from foreign manufacturers of rubber boots which he intended to turn to manufacturing use. He brought the cargo to Boston and the appraisers found that it was worth \$400.

Then they decided that because the scrap contained particles of wool they were subject to the wool duty and imposed upon the \$400 cargo duties aggregating \$2,250.

When the laughter had subsided sufficiently Senator Dolliver resumed his narrative.

"When the man came to," said the Senator, "he had a lawyer and tried to extricate himself from his trouble, which he succeeded in doing by inducing the customs officers to permit him to pay a certain amount of the duty and send the cargo back to Europe and recover his money through a drawback."

Senator Aldrich charged that rubber boots were manufactured in the United States cheaper than they were in any other country in the world, whereupon Mr. Dolliver introduced the following evidence:

"I resent the statement that I am trying to destroy the Republican tariff," sharply rejoined Senator Dolliver, "I am trying to make such a Republican tariff as can be defended before the country."

Senator Warren of Wyoming entered the debate once or twice. At one time Mr. Dolliver denied him the right to speak, and he remarked as he took his seat that the Senator from Iowa had been making statements "wide of the truth," but that he would reply to them later.

At another time Senator Warren offered to supply Mr. Dolliver with certain information.

"I don't know and I do not want to know," replied the Senator from Iowa, waving Mr. Warren aside.

The Senator from Wyoming retorted that a popular formula for a good speech was to have no statistics and very little information.

"A wiser man than either of us, Thomas Carlyle, has said that the chief use of statistics is to keep the other fellow from lying to you," said Mr. Dolliver.

Senator Smoot of Utah, with book in hand, asked permission to interrupt.

"I raised my hand," said Mr. Smoot, "and Mr. Dolliver, with a broad smile, to a man who wants to read a book to me."

Senator Root took an active part in the debate on the income tax amendment. He challenged the statements made by Senator Borah of Idaho yesterday that the property interests of the United States do not pay their just share of the burdens of taxation.

The Senator said he did not care to enter into a discussion of the merits of an income tax, but he did not care to sit silent and permit "this erroneous view, this mischievous view, to go to the people of this country, who do not know the facts as to statistics that would show that the property interests of the United States did not bear their just burden of government."

Mr. Root said in part:

It is not a fact that in this republic property interests pay a large proportion of the burden of taxation. I find in looking at the books the precise figures since yesterday—that in 1902, which was the last year for which figures are available for comparison, the property interests in the United States upon which the ad valorem tax for the support of the Government, county, municipal and other local governments, was levied, amounted to a true value of \$1,000,000,000.

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